IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Kishan Chand Meena
Versus
State and ors.

S.B. CIVIL WRIT PETITION NO.2993/2007

Date of Order : 4/5/2007.

PRESENT
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mrs. Sonia Shandilya for the petitioner.
Shri B.S. Chhaba, Deputy Government Advocate for the State.

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Heard learned counsel for the petitioner.

Admit. Issue notice. Shri B.S. Chhaba, Deputy Government Advocate accepts notice on behalf of the State.

The petitioner is challenging the notice dated 14/3/2007 and the charge-sheet issued to him. The controversy raised in this matter is squarely covered by the Larger Bench judgment of

this Court in **Smt.Sameera Bano Vs. State of Rajasthan & Ors. : W.L.C. 2007(2) 526** in which the Large Bench held as under:-

> "Pre-election disqualification can be adjudicated only in an election petition u/S.43 r/w Rule 20 of Rajasthan Panchayati Raj (Election) Rules; and can not be adjudicated by authority u/s.39(2) r/w rule 23 of said Rules".

With the above observations, the Larger Bench answered D.B.Civil Special Appeal (Writ) No.530/2001, D.B.Civil Special Appeal (Writ) No.674/2001 and D.B. Civil Special Appeal (Writ) No.289/2002 and other similar cases.

In the light of the aforesaid judgment, the writ petition is allowed and the impugned-notice dated 14/3/2007 (Ann.4), Preliminary Inquiry Report (Ann.3) and Charge-sheet (Ann.2) are quashed and set-aside.

(MOHAMMAD RAFIQ), J.

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